



Nova Scotia

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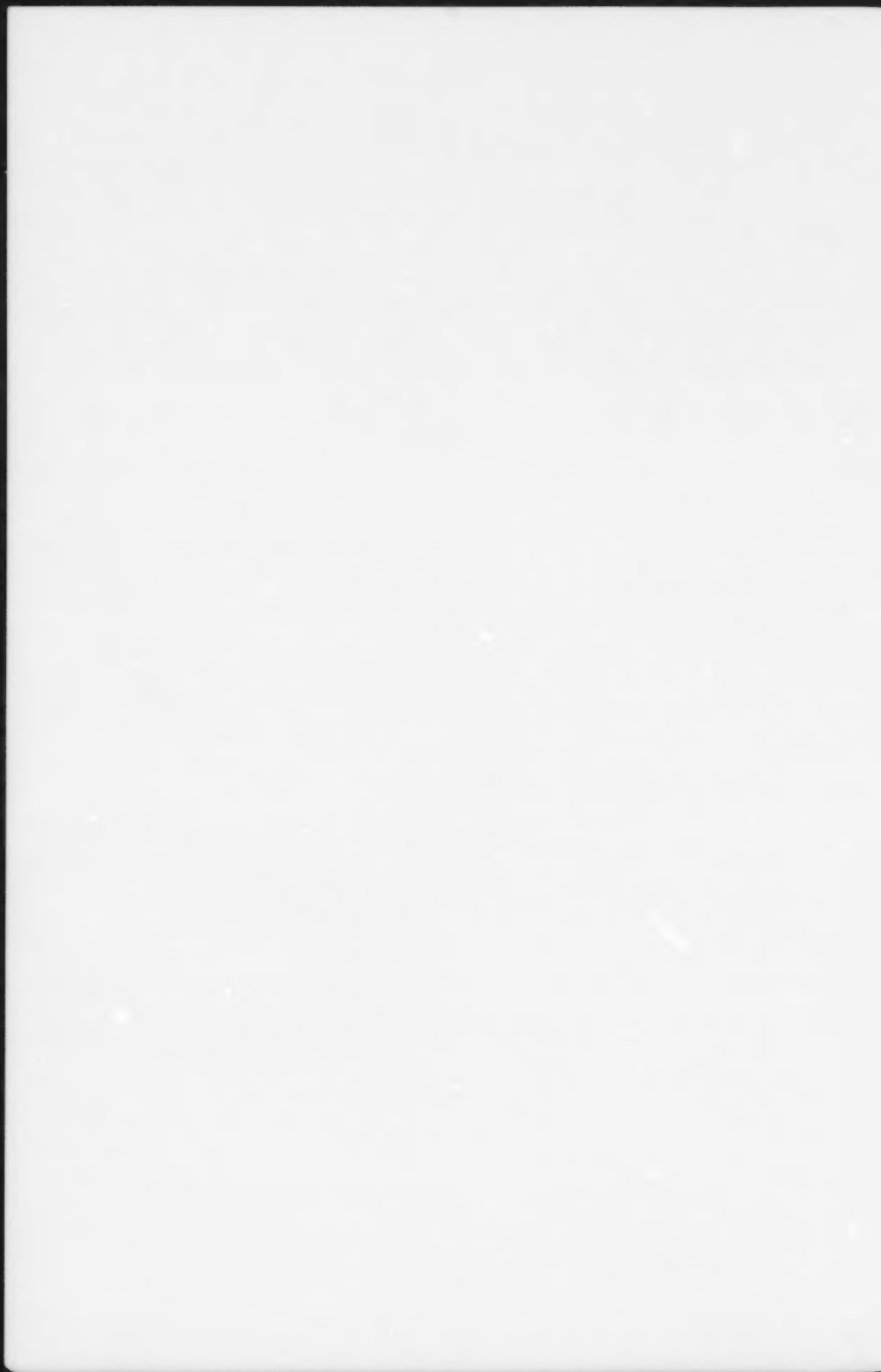
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ANNUAL REPORT

*for the fiscal year
ending March 31, 1990*

Human Rights
Commission



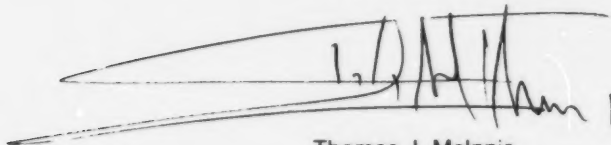
To His Honour

The Honourable Lloyd R. Crouse, P.C.,
Lieutenant-Governor of Nova Scotia

May It Please Your Honour:

I have the honour to submit herewith the Annual Report of the Nova Scotia
Human Rights Commission for the fiscal year ending March 31, 1990.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'T. J. McInnis', is written over a horizontal line. The signature is stylized with a large initial 'T' and a long, sweeping underline.

Thomas J. McInnis
Minister in Charge of the
Administration of the
Human Rights Act



The Honourable Thomas J. McInnis
Minister in Charge of the
Administration of the
Human Rights Act
Province of Nova Scotia

Sir:

I have the honour to present to you the Annual Report of the Nova Scotia
Human Rights Commission for the fiscal year ending March 31, 1990.

Respectfully submitted.

B. Pachai

Bridglal Pachai, Ph. D.
Executive Director



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INTRODUCTION

The Nova Scotia Human Rights Commission is responsible for the administration and enforcement of the Human Rights Act, which prohibits discrimination against any individual or class of individuals because of race, religion, creed, color, ethnic origin, national origin, sex, or physical or mental disability in the following areas: employment; accommodation, services, and facilities; housing occupancy; sale of property; membership in employee organizations or professional, business, or trade associations; membership in volunteer organizations performing a public service. In addition, the Act prohibits discrimination in employment on the grounds of marital status or age. It also prohibits discrimination due to source of income in the area of rental housing.

The Commission promotes programs of public education and affirmative action in the field of human rights to forward the principle that every person is free and equal in dignity and rights and to eliminate all forms of discrimination.

The Executive Director, Dr. Paul Anthony Johnstone, died on July 30, 1989. Dr. Bridglal Pachai was appointed Acting Executive Director on August 14, 1989. He was appointed Executive Director on December 10, 1989.

LIST OF COMMISSIONERS

Chairperson

Dr. Donald E. Curren, C.M., Q.C., LL.D.

Vice-Chairperson

Dr. Fred R. MacKinnon

Members

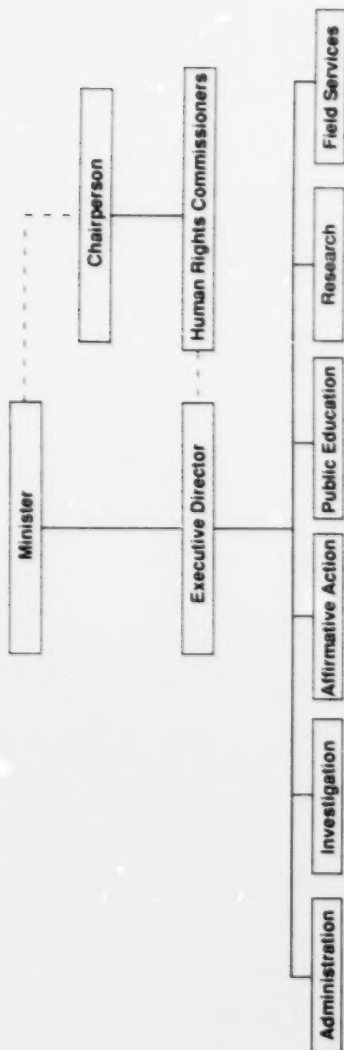
Dr. P. Anthony Johnstone
Executive Director
Nova Scotia Human Rights Commission
(to July 30, 1989)

Rev. Donald Fairfax
Mr. Michael W.Y. Ha
Mrs. Michaelena Hickman
Mr. Daniel N. Paul
Mr. Tom Rissesco

Mr. Calvin Ruck
Rev. Donald Skeir
Dr. Margaret Swan
Mrs. Wanda Thomas-Bernard
Rev. Donald Thomas

Organizational Chart — Human Rights Commission

April 1, 1989-March 31, 1990



ADMINISTRATION DIVISION

The Administration Division provides support services for the Commission. These activities relate to four functional areas: Administrative Services, Staff Services, Records Management, and Finance.

The Administrative Services Section ensures that the Commission develops a coordinated approach to all initiatives and activities undertaken that have implications for the entire Commission. These relate to office facility, space management, office automation, implementation of policy and procedure, purchasing, courier services, supplies, and inventory control measures.

The Staff Services Section provides assistance to ensure effective facilities and conditions for Commission staff. Specific activities include the provision of comprehensive staff and personnel administration records.

The Records Management Section ensures that records are handled in a planned system through a centralized records entry and retrieval system. This includes the care and custody of all documents and records, circulation control, and final disposition of records.

The Financial Services Section is responsible for recording financial and accounting matters within the Commission's central office and three regional offices. For the Commission, the section's responsibilities for accounting systems include expenditures, Order-in-Council commitments, cost sharing, and cost accounting. The section records the approval system for all capital operating expenditures and inputs payment data to the Department of Finance which disburses the cheques to creditors.

Reception Statistics
April 1, 1989 - March 31, 1990

Number of calls	18,769
Number of visitors with appointments	667
Number of visitors without appointments	384
Total calls	18,769
Total visitors	1,051
Grand total	19,820

Increase/Decrease over Old Year

Calls	+2,289
Visitors with appointments	-53
Visitors without appointments	+33
Total increase/decrease	+2,269

INVESTIGATION DIVISION

FORMAL COMPLAINT INVESTIGATION

The Nova Scotia Human Rights Act prohibits discrimination in employment, housing, public accommodations and facilities, property rights, voluntary public service, and advertising on the basis of race, color, religion, creed, national origin, ethnic origin, sex, physical disability, or mental disability.

The Act prohibits discrimination in employment on the basis of age (over age 40) or marital status. Employment includes membership in employee unions, professional, business, or trade associations, and volunteer agencies carrying out public functions.

The Act prohibits discrimination in housing on the basis of source of income, where the would-be renter receives income maintenance payments from any level of government or under a court order or separation agreement.

The Act prohibits discrimination against a person because he or she has made a complaint or given evidence or assisted in any way in respect to a complaint.

The Act applies to any person — whether employer, employment agency, employer or employee organization, professional, business, or trade association, volunteer agency performing public functions, or property owner.

Any person who alleges discrimination must make the complaint on a prescribed form, available at any office of the Human Rights Commission. The complaint form is a simple statement of basic facts of the alleged acts of discrimination. The Commission may also initiate an investigation where it has reasonable grounds for believing that a complaint exists.

The complaint is assigned to an officer for investigation. Human rights officers are professionals trained to conduct investigations in a fair, impartial, and objective manner. Investigations are carried out consistent with the principles of natural justice.

At the conclusion of the investigation, and where there is evidence to support the complaint, officers of the Commission attempt to conciliate

the complaint and arrive at an amicable settlement acceptable to all parties. Experience has shown that it is possible to resolve the majority of complaints. If the evidence does not support the complaint, the complainant has an opportunity to withdraw his or her complaint. He or she may request that the file be reviewed by the Commission.

Should settlement not be possible the Commission reports to the Minister in Charge of the Administration of the Human Rights Act, who may appoint a board of inquiry. The board conducts a public hearing. The Nova Scotia Human Rights Commission has carriage of the complaint and, along with all other parties, has the opportunity to present evidence and to make representations. The board may add, as parties, such persons as it considers necessary, but only after these persons have an opportunity to oppose the board's intention to add them as parties.

The Commission receives numerous intake calls on a daily basis. These inquiries are a combination of information, assistance, and referrals. Where matters discussed do not fall under the formal coverage of the Act, the Commission limits its participation to that of a helping role.

Informal Complaints — Intakes for 1989-1990

Regions

Central	1,444
Digby	366
Sydney	350
New Glasgow	165
Total	2,325

Formal Complaints by Ground

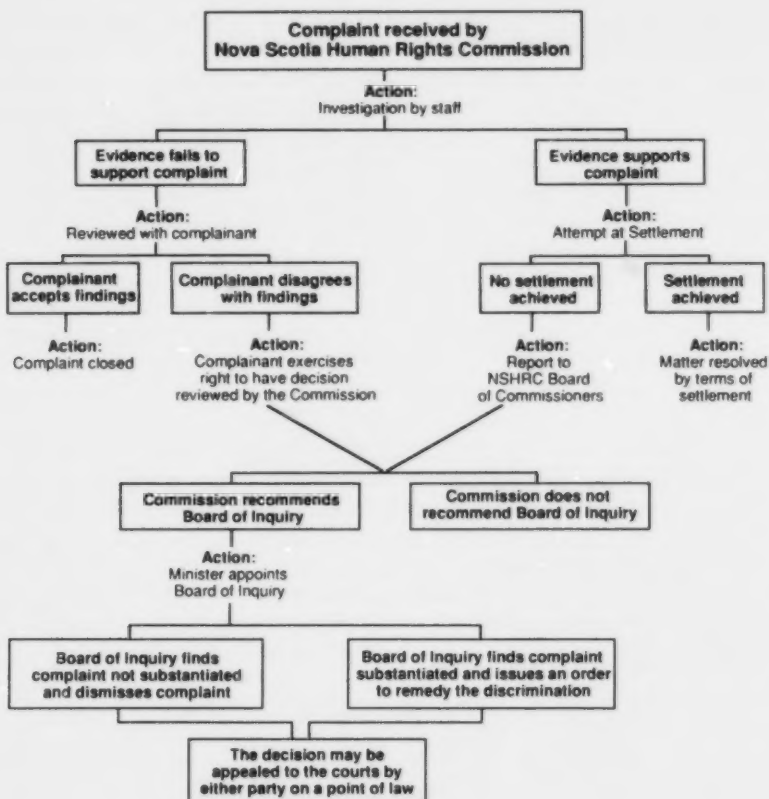
Area	Race/Color	Ethnic Origin	National Origin	Creed/Religion	Sex	Age	Marital Status	Physical Disability	Mental Disability	Source of Income	Association	Reprisal	Total
Employment	28	5	9	2	46	12	6	24	4		3	1	140
Services	21	6	5		2			10			4		48
Housing			2			2				1	2		7
Advertising					1								1
Total	49	13	14	2	51	12	6	34	4	1	9	1	196*

The total number of formal complaints in 1989-90 was 188.

* The figure 196 reflects the fact that some complaints were lodged on more than one ground of discrimination.

Results of Formal Complaints by Ground

Area	Resolved	Withdrawn	Abandoned	Dismissed	Board of Inquiry	Non-Jurisdictional	Continuing	Total
Employment	45	24	3	10	8		42	132
Services	23	6		1	2	1	15	48
Housing	2	1					4	7
Advertising							1	1
Total	70	31	3	11	10	1	62	188



SAMPLE CASES

Services — Disability

A disabled person applied to a major retail department store for a credit card but, despite her good credit rating, she received notice that she was ineligible for a credit card due to a lack of established credit. The complainant, who receives several disability pensions, alleged that the only reason why she was refused was because of the type of income she receives (disability pension).

The investigation carried out by the Nova Scotia Human Rights Commission revealed that the complainant in fact had no bills in arrears (all transactions completed on a cash basis) and her bank references were excellent. On contacting the department store's head office and discussing the complainant's position, the company agreed to look into the matter further. The company, after contacting the complainant's bank and verifying her credit rating, agreed to issue the complainant a credit card.

Employment — Sexual Harassment

A woman employed in a non-traditional job for approximately four years alleged that she had been sexually harassed by a coworker/supervisor for the past two years. The harassment was alleged to have included but was not limited to requests to date, physical grabbing, and attempts to kiss her. When the complainant refused to comply, the coworker/supervisor criticized her work and threatened to fire her. After two years of being harassed, the complainant felt she had no alternative but to quit her job.

During the investigation conducted by the Human Rights Commission, the coworker/supervisor denied all the allegations made by the complainant. The owner of the business felt that he had taken reasonable steps to resolve the difficulties when the complainant had brought her concerns to him while still employed.

In an effort to avoid further emotional upset, the business agreed to the following terms of settlement:

1. Release of all claims by all parties.
2. The owner of the business provided written assurance to the Human Rights Commission that all endeavors would be made to comply with the Human Rights Act.

3. The owner of the business agreed to display the Human Rights scroll in a public place on the company premises.
4. The woman returned to her former position with the business after receiving a verbal assurance from the owner and coworker/supervisor that she would be able to work in a harassment-free environment.
5. The woman and coworker/supervisor agreed to follow mutually agreed-upon guidelines should either or both of them encounter future difficulties.

The terms were accepted by the complainant.

Employment — Race and/or Color

A black woman and her white friend applied on the same day for a salesclerk position with a local company. The following day the white woman contacted her friend to inform her that she had been successful in obtaining an interview. After hearing this information, the black woman contacted the company to inquire about her application, only to be told that interviews were not being held at the present time. A short time later, the black woman was told by her friend she had been offered the salesclerk position at the completion of her interview.

The black woman filed a complaint with the Human Rights Commission alleging that she had been discriminated against because of her race and/or color. An investigation was conducted and the information obtained indicated that the complainant had been given inadequate information regarding the hiring process for part-time employees. The company admitted that the procedures for screening and hiring of applicants needed improvement and steps were taken to make improvements in these areas.

In an attempt to avoid further emotional upset to all parties, the following terms of settlement were agreed upon:

1. A release of claims was signed by the complainant.
2. An ex-gratia payment was made by the company to the woman in the amount of \$1,000. This payment was made and accepted without any admission of liability or wrongdoing on the part of either the company or the store manager.

The terms were accepted by the complainant.

Services — Race and/or Color

A series of three independent complaints were filed by five black individuals against one club. The five alleged that they had been discriminated against because of their race and/or color. Two of the complainants had been refused entrance, one because he did not meet the dress code, the other for allegedly having been involved in a fight while at the bar on a previous occasion. The three others were barred from the drinking establishment after an evening in the bar because they had not purchased enough drinks while there.

The investigation by the Human Rights Commission, which included controlled testing of the situation, revealed that the bar was not consistent in its enforcement of policies.

The complaints were resolved with the following terms:

1. The bans were lifted and letters of apology provided.
2. Free passes to the club were provided to the complainants.
3. Financial compensation was provided either directly to the complainant or to a charity of their choice.
4. The Human Rights scroll was displayed on the premises.

Employment — Sex (Pregnancy)

A young woman, pregnant at the time of the commencement of her job as an outdoor programmer for a service club, alleged that she was discriminated against by her employer. The employers indicated their intention to terminate her employment at the commencement of her maternity leave and advised her that she would not be allowed to return after her leave of absence.

The woman lodged a complaint alleging that she was discriminated against because of her sex (pregnancy). The investigation revealed that although the complainant could not give an exact time to return to work, she was prepared to return when advised medically. There is no evidence to show that any difficulties would arise during her pregnancy and return to work would follow normal pregnancy leave.

Investigation also revealed that the complainant was a good employee.

During the course of the investigation the complainant decided to pursue an educational leave after her maternity leave and was no longer interested in returning to work.

In an effort to resolve the complaint, the following terms of settlement were reached:

1. A letter of apology was provided from the service club to the complainant.
2. A letter of reference was given.
3. Severance pay totalling \$450 was provided.
4. The respondent provided to the Commission a letter of assurance to uphold the principles and spirit of the Human Rights legislation.

BOARDS OF INQUIRY

Services — National Origin

Jan Bartholdy, on behalf of Bjørn Bartholdy, and the Nova Scotia Human Rights Commission vs Nova Scotia Department of Health and Fitness (Vital Statistics)

Decision of Victor Goldberg rendered on August 28, 1989

Mr. Bartholdy and the Nova Scotia Human Rights Commission alleged that the Department of Health and Fitness, with respect to the manner in which services by the Division of Vital Statistics are provided to persons who request that births be registered in a script or alphabet different from the Roman (English) characters, discriminated on the basis of ethnic and national origin contrary to Section 4 of the Nova Scotia Human Rights Act.

The Board of Inquiry, in its decision, accepted the settlement reached by agreement among the parties prior to the hearing.

The terms of settlement included:

1. The Registry agreed to replace its existing registration form with a new form that included a block for the child's name in his/her mother tongue.
2. Mr. Bartholdy agreed to re-register the birth of Bjørn and the Registry agreed to accept the registration on the new form.
3. Birth certificates will be issued in the standard form. If any future applicants complete the mother tongue space, the Registry will also provide a free certified photocopy of the new form.

4. The Registry may not disclose the new form if the form would, or would likely, lead to a breach of law or provincial policy on confidentiality and privacy of persons in the case of:
- adoption
 - changes of name
 - changes of gender
 - children born out of marriage
 - legitimization

The Registry will inform the Commission in these cases.

In its decision, the Board said "By adding an additional block entitled 'The Mother Tongue' block to its existing registration form, the Registry of Vital Statistics recognized that the names of children in their mother tongue may be different than the names of children in the Roman (English) alphabet used in this country."

Employment—Sex

Mary Ritchie vs Volvo Canada Limited
Board of Inquiry — Eric Durnford, Q.C.

Ms Ritchie is alleging that Volvo Canada Limited has discriminated against her because of her sex. She had been attempting to obtain employment on the company's assembly line from July 1972 to August 1988. Ms Ritchie believes she has not been successful because she is female.

The Board of Inquiry was appointed in August 1988 by the Honourable Thomas J. McInnis, Minister in Charge of the Administration of the Human Rights Act, following a report from the Nova Scotia Human Rights Commission that it was unable to resolve the complaint.

Mr. John Merrick, Q.C., lawyer for Volvo Canada Limited, applied for an order of the Supreme Court, Trial Division, preventing the Board from proceeding. He argued that the 17-year span violated Volvo's rights under the Charter to a speedy trial. The application was heard on May 30, 1989 and dismissed on June 5, 1989. The matter was appealed to the Supreme Court, Appeal Division, and was dismissed on December 4, 1989. The Courts ruled that the arguments should be made before the Board of Inquiry.

The Board of Inquiry will, therefore, proceed. It is scheduled to commence on May 7, 1990.

Employment — Race and/or Color

*Kevin Downey vs Metropolitan Authority
Board of Inquiry — David Bright, Q.C.*

Hearing held commencing May 8, 1989 and concluding February 6, 1990

Mr. Downey alleges that Metropolitan Authority discriminated against him because he is a black person. Mr. Downey was unsuccessful in his attempts to obtain employment as a bus operator between April 1986 and October 1986.

The Board of Inquiry was appointed in September 1988 by the Honourable Thomas J. McInnis, Minister in Charge of the Administration of the Human Rights Act, following a report from the Nova Scotia Human Rights Commission that it was unable to resolve the complaint.

The decision of Mr. Bright is expected in June 1990.

Service — Ethnic Origin

*Darlene Prosper vs Aberdeen Motel
Board of Inquiry — Victor Goldberg
Hearing held on September 11, 1989
Decision rendered on September 14, 1989*

Ms Darlene Prosper alleged that Aberdeen Motel discriminated against her on or about October 1988 because she is of Micmac origin. Ms Prosper alleged that she was verbally berated by the motel manager when she obtained accommodation in his establishment.

Mr. Goldberg, in his decision, accepted the settlement reached by the parties prior to the hearing and submitted at the hearing. The terms were:

1. The respondent, Trailsman Motel Limited (operating under the firm name and style of Aberdeen Motel), acknowledged a violation of Section 4 of the Human Rights Act.
2. The respondent agreed to pay the complainant, Darlene Prosper, \$500 as general damages and to provide her with a letter of apology.
3. The respondent agreed to provide the Nova Scotia Human Rights Commission a letter of assurance that, in the future, they would not discriminate against visible minorities.

4. The respondent agreed to comply with the settlement terms within 30 days.

Employment — Physical Disability (Vision Standards)

Robert Zinck & Michael Jessiman vs Halifax Fire Department

Board of Inquiry — Professor John Yogis, Q.C.

Hearing held commencing September 18, 1989 and concluding February 15, 1990

Robert Zinck and Michael Jessiman allege that the Halifax Fire Department discriminated against them by refusing to consider them for employment as firefighters. Messrs. Zinck and Jessiman allege that the standard of 20/30 uncorrected vision in both eyes, which neither men meet, is not a bona fide occupational requirement. Messrs. Zinck and Jessiman were advised in February 1988 that they were rejected as candidates following a year and a half of competition.

The Board of Inquiry was appointed in April 1989 by the Honourable Thomas J. McInnis, Minister in Charge of the Administration of the Human Rights Act, following a report from the Nova Scotia Human Rights Commission that it was unable to resolve the complaint.

The decision of Professor Yogis is expected in May 1990.

Employment — Sex (Sexual Harassment)

Joan McLellan, Jacqueline Stephenson, and Tracey Keizer vs Mentor Investments Limited carrying on business under the firm name and style of Venice Restaurant and/or Mike (Mohammed) Rabah

Board of Inquiry — David Bright, Q.C.

Hearing held March 26-30, 1990 and to continue July 3-13, 1990

Joan McLellan, Jacqueline Stephenson, and Tracey Keizer allege that they were discriminated against in that they were subjected to sexual harassment while employed as waitresses at the Venice Restaurant. The harassment is alleged to have occurred during various periods between August 1988 and February 1989. The women allege that Mike Rabah, an owner of the restaurant, was continuously making crude remarks and gestures and would physically touch them without their consent or approval.

The Board of Inquiry was appointed in November 1989 by the Honourable Thomas J. McInnis, Minister in Charge of the Administration of the Human Rights Act, following a report from the Nova Scotia Human Rights Commission that it was unable to resolve the complaint.

The hearing will resume on July 3, 1990.

PUBLIC EDUCATION DIVISION

The Public Education Division is responsible for the development and implementation of public information and education programs in the area of human rights. Its main objectives are to promote awareness of human rights; to eliminate ignorance and prejudice; to effect positive attitudinal changes with regard to human rights issues; and to create a climate of respect for the dignity and rights of all people irrespective of race, color, religion, creed, national origin, ethnic origin, sex, marital status, physical disability, mental disability, age (40 years and over), and source of income.

The public information and education programs include conferences, workshops, seminars, public speaking, ceremonies commemorating special days, dissemination of materials on human rights and related topics, displays, press releases, advertisements, television programs, liaison with organizations, community, ethnic and minority groups, as well as organizations serving disabled persons, cooperation with government departments, assistance to teachers, researchers and the general public in research on human rights and related topics, and answering general telephone and written inquiries. Approximately 60,000 pamphlets were distributed during 1989-90.

The Joint Human Rights and Education Committee is co-chaired by the Deputy Minister of Education and the Executive Director of the Human Rights Commission. It recommends and/or examines materials relating to minorities, women, and disabled persons, as brought forward by members of the committee drawn from the Commission, Department of Education, and various ethnocultural and advocacy groups.

THE LIBRARY

The Commission library serves clients of all age groups who conduct research on human rights and related areas. The library collection includes publications on the Charter of Rights and Freedoms, racism, multiculturalism, ethnic studies, women, disabled persons, as well as relevant government documents, newsletters, and periodicals. It is a reference library only. The public is encouraged to use the library and to seek assistance if required during library hours which are 8:30 a.m. to 4:30 p.m., Monday to Friday.

COMMISSION LITERATURE

Nova Scotia Human Rights Act
How the Human Rights Commission Serves People
Human Rights: A Guide for Employers
Human Rights: Policy Guidelines on Sexual Harassment
Guidelines for Investigating Complaints
Human Rights: Physical or Mental Disability
Human Rights: Source of Income
The Acadians of Nova Scotia
Les Acadiens de la Nouvelle-Écosse
Pictorial on Black History, Nova Scotia
Getting Your Foot in the Door
Affirmative Action
Commission Reports
Posters: People in the Same Boat Help One Another
Affirmation Action

PROGRAM HIGHLIGHTS**Conferences***School Conferences*

School conferences are an effective means of involving teachers and students in activities that increase their understanding of human rights. There were four school conferences in 1989-90.

The conferences vary from one day to one week in duration, depending on the needs of the students and on the size of the student body. The Public Education Officer of the Commission and the principal and/or a teacher of the school plan the conference.

Before each conference there is an orientation session for the teaching staff (and student representatives if it is a high school), to make them aware of the goals of the conference and the general programs. They are invited to make suggestions for the conference. The teachers are requested to stimulate students' interests in human rights before the conference by engaging them in pre-conference activities. These activities include students' poster, essay, or public speaking contests and answering the pre-conference questionnaire on human rights. Some students, with the assistance of their teachers, rehearse skits and/or compose human rights songs or poems to be presented at the opening session of the conference. The students are encouraged to use the reference materials in the Commission library.

The actual conference usually includes an opening session, a closing session, and classroom sessions. The Minister in Charge of the Administration of the Human Rights Act, or his designate, often delivers the keynote address at the opening session. The classroom sessions are conducted by human rights officers and resource persons from various organizations and community groups, e.g., Advisory Council on the Status of Women, Canadian Paraplegic Association, Micmac Native Learning Centre, Black Educators' Association, etc. Recommendations and suggestions at these sessions are recorded and presented at the closing session if there is one. There are no closing sessions at elementary school conferences, but students are usually requested to fill out the post-conference questionnaire with comments, suggestions, and views of the conference.

Materials provided to the school include a conference agenda, pre-conference and post-conference questionnaires, relevant human rights pamphlets, posters, and human rights buttons.

In 1989-90 conferences were held at the following schools:

April 1989	Bell Park Academic Centre, Dartmouth
May-June 1989	Bedford Elementary School, Bedford
October 1989	Holland Road Elementary School, Windsor Junction
February 1990	Millwood Elementary School, Lower Sackville

Human Rights Today Conference

December 7 and 8, 1989, World Trade and Convention Centre, Halifax

The Commission hosted the Human Rights Today Conference with the objective of providing a forum where educators, employers, public and civil servants, lawyers, and concerned citizens could exchange views on the roles of the Nova Scotia Human Rights Commission, the courts, employers, educators, minorities, women, and other concerned citizens. The topics included a broad range of human rights issues, such as employment equity, pay equity, human rights education, damages in human rights complaints, and concerns of women and minority people.

The Principal Officer of the United Nations Secretariat, Dr. B.G. Ramcharan, delivered the keynote address entitled "Universal Culture of Human Rights." The Premier of Nova Scotia was the banquet speaker. Other speakers were from Nova Scotia or other provinces who have expertise and experience in the field of human rights.

During the banquet on December 7 the Premier officially announced the appointment of the new Executive Director of the Nova Scotia Human Rights Commission, Dr. Bridglal Pachai. Students at Bell Park Academic Centre received an award for their participation and contribution in a human rights conference.

Human Rights through Television and Drama

The Commission's efforts to increase public awareness of human rights issues were assisted by the National Film Board of Canada; Educational Media Services, Department of Education; Halifax Cablevision Limited (Channel 10); and ASN Educational Channel.

Human rights films were telecast through ASN Educational Channel from July 24 to August 26, 1989 on Monday, Wednesday, and Saturday mornings.

From February 14 to May 18, 1990, more human rights films were telecast through Halifax Cablevision, Channel 10, every Wednesday and Friday evening. Some films were from the Commission and Educational Media Services, but most of the films were borrowed from the National Film Board of Canada.

Executive Director Dr. Bridglal Pachai's interview on human rights issues was telecast through all the cablevision stations across the province in the month of December. Halifax Cablevision also telecast the December 10 International Human Rights Day Ceremony in the month of December.

In the fall of 1989 the Commission sponsored a play on sexual harassment by the Company of Sirens which was performed in some regions of the province. The Company of Sirens distributed the Commission's *Policy Guidelines on Sexual Harassment* at these performances.

Celebration of Special Days

International Human Rights Day, December 10, 1989

International Human Rights Day was observed by a ceremony at the World Trade and Convention Centre on December 10. The Vice-Chairperson of the Commission briefly summarized the history of human rights in the province of Nova Scotia.

The Premier then presented human rights awards to the following individuals for their contributions in the area of human rights: Honourable Mr. Justice W. Andrew MacKay, Federal Court of Canada, Trial Division; Dr. Ronald St. John Macdonald, Judge of the European Court of Human Rights; and Mr. Hobartson Augustus James Wedderburn, Barrister, Solicitor, and Notary Public.

The Premier also presented awards to Bedford Central School and Holland Road Elementary School for their participation in human rights conferences.

The ceremony concluded with a Citizenship Court. Each new Canadian received a human rights kit.

International Day for the Elimination of Racial Discrimination, March 21, 1990

During a ceremony to celebrate the International Day for the Elimination of Racial Discrimination at Province House, the Premier spoke against racism and racial discrimination. He read the province's Proclamation which he had signed last year on March 21, 1989, proclaiming March 21 as the International Day for the Elimination of Racial Discrimination.

Copies of the Proclamation were presented to representatives of Scott Maritimes, Maritime Tel and Tel, Nova Scotia School Boards Association, the City of Dartmouth, Department of Education, and the Civil Service Commission for their involvement and efforts in the promotion of human rights in the areas of employment and/or education.

The Premier then presented prizes to human rights poster contest winners from Millwood Elementary School.

On the evening of March 21, the Executive Director of the Commission spoke at a panel entitled "In Recognition of the International Day for the Elimination of Racial Discrimination" held at the Nova Scotia Teachers' College, Truro.

AFFIRMATIVE ACTION DIVISION

INTRODUCTION

Background

Since affirmative action programs were introduced and initiated in the province of Nova Scotia in 1972, many positive gains have been made and many positive steps taken. At the federal level, the Charter of Rights and Freedoms includes provision for and protection of special programs such as affirmative action and employment equity. The federal government has developed and enacted legislation in the areas of employment equity and mandatory contract compliance. Some provincial and municipal jurisdictions have followed suit and developed laws to ensure that special measures are taken to promote and enforce employment equity.

Nova Scotia continues to have voluntary affirmative action programs and procedures in place, much like some other jurisdictions in Canada. Efforts are being continued to develop and reinforce programs, policies, and procedures aimed at achieving greater results in the areas of employment, education, and housing.

Jurisdiction

Special programs such as affirmative action are permitted under Section 19 of the Human Rights Act. The Act does not state that the Commission shall approve special programs, but it does say that:

The Commission may approve programs of government, private organizations or persons, designed to promote the welfare of any class of individuals, and any approved program shall be deemed not to be a violation of the prohibitions of this Act.

The Affirmative Action Division of the Nova Scotia Human Rights Commission continues to work cooperatively with the public and private sectors in attempting to change the direction that society has been taking for some time. Efforts are being made to ensure that aboriginal people, black people, other visible minority people, women, and disabled people fit into the mainstream of society.

Affirmative action is to be considered a temporary means of overcoming institutional barriers of discrimination.

How Affirmative Action in Employment Programs Work

A committee representative from the Commission may conduct an introductory session with the management and/or senior officials of a company to explain the rationale and methodology for developing affirmative action programs in Nova Scotia.

The Affirmative Action Program Coordinator, or designate, may then work cooperatively with the person designated by the company to develop an agreement, taking into consideration the Commission's Affirmative Action Agreement Guideline, referred to as "Basic Steps." This is available from the Commission's office upon request. A clear statement of the company's equal employment policy should be incorporated into the agreement for the information and guidance of their employees and the general public.

A senior management person should be assigned to coordinate all activities and involvement of the company in the implementation and monitoring of the agreement/program, in cooperation with the Nova Scotia Human Rights Commission.

In the interest of the goals and timetable approach that the Commission uses to increase the number of target group representatives in the work force, the company should provide the Commission with long- and short-term projections of their work force needs as an essential part of the recruiting process. As well, a personnel survey should be undertaken by the company at the beginning of the program in order to establish the status of target group representation in the work force.

The company should be positive towards the degree of visibility given to target group employees through public contact positions and publicity.

Hiring qualifications and standards should be examined to ensure that they are in line with the actual job requirements. Standards should not be inflated so that they serve as a built-in screening-out device — intentional or otherwise.

Awareness sessions for management and supervisory employees should be conducted in cooperation with the Nova Scotia Human Rights Commission. Increased sensitivity, awareness, and understanding of the affirmative action program by management and supervisory employees is essential to the success of the program.

Mechanisms should be established whereby target group employees with potential can be identified, jobs pinpointed, and promotional opportunities reviewed in the interest of career planning. If target group people are not available within the work place, they should be actively sought out and recruited.

The company should recruit potential target group applicants for internal and external training and upgrading programs leading to gainful employment or vertical mobility within their work force. The company should also hold meetings with target groups, individuals, or organizations to disseminate information about employment opportunities, with a view to possible placements. The company's program should be made known to voluntary organizations, churches, and personnel services that serve the minority communities, and company representatives should be sent to such functions as career days at schools attended by large numbers of target group students.

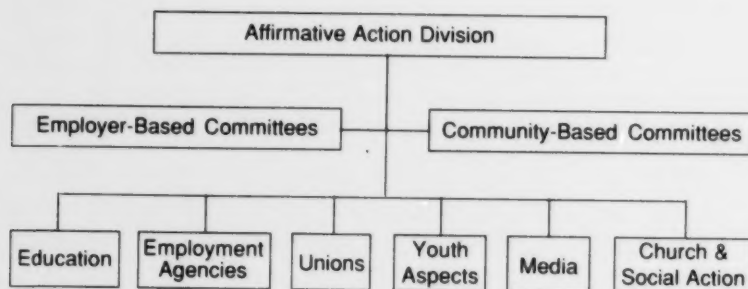
The Affirmative Action poster should be displayed where applicants and employees will see it.

AFFIRMATIVE ACTION COMMITTEES

Affirmative Action Committees are groups of people working together to promote human rights in general, and affirmative action in particular.

Affirmative Action Committees are community-based organizations or employer-based. Community-based committees comprise representatives of many sectors of society who serve on a voluntary basis, while employer-based committees are made up of paid employees. In most cases participants extend their services and expertise above and beyond the call of duty because of their commitment to the principles involved.

General Affirmative Action Committee guidelines are available from the Nova Scotia Human Rights Commission.

AFFIRMATIVE ACTION COMMITTEE FLOW CHART**AFFIRMATIVE ACTION HIGHLIGHTS**

The Commission hired an Affirmative Action Officer whose responsibility it is to deal specifically with affirmative action activities.

The Commission's affirmative action trainee position was reinstated. Trainees are target group members who have had training in the clerical and/or administrative support field, but who lack experience and/or need to sharpen their skills to make them more marketable. The position rotates on a six-month basis provided funds are available.

Committee Highlights

Employer-based organizations with internal committees hold meetings on a regular basis to promote and help members of staff better understand the concept and mechanics of affirmative action. Orientation sessions are held for all new Affirmative Action Committee members.

One Affirmative Action Committee co-sponsored a human rights school conference at the high school level.

Two community-based committees held employment seminars in cooperation with major employers, the Nova Scotia Human Rights Commission, and potential employees.

One Affirmative Action Committee held an information awareness day for seniors.

Committees participated in events commemorating International Human Rights Day on December 10 and the International Day for the Elimination of Racial Discrimination. These days have been declared by the United Nations and reinforced by the Province of Nova Scotia. Committees also held special events and/or participated in events commemorating National Access Awareness Week and other special and significant days and events.

The Yarmouth County Affirmative Action Committee celebrated its eighth anniversary and held a banquet with the Executive Director of the Nova Scotia Human Rights Commission as guest speaker.

The Sydney Affirmative Action Committee launched a Tom Miller Human Rights Award Banquet, recognizing posthumously one of the city's humanitarians for his work in the promotion of human rights.

The Commission's staff members continue to promote affirmative action through speaking engagements and public relations whenever and wherever possible. Speaking engagements included, but were not limited to, schools, corporations, professional associations, post-secondary institutions, church groups, and target group organizations and committees.

The Affirmative Action Division was involved in over 25 speaking engagements, held six information sharing and awareness sessions with major employers, and took part in a cablevision interview.

A representative from the Affirmative Action Division and/or regional representative participates in all Affirmative Action Committee meetings.

Despite all of the activity, target group people continue to be underrepresented in the work force. The Commission will continue to help to create a better balance.

Community-Based Committees

Truro & District Affirmative Action Committee
Sydney Affirmative Action Committee
Antigonish Affirmative Action Committee
Glace Bay Affirmative Action Committee
Amherst Affirmative Action Committee
Yarmouth Affirmative Action Committee
New Glasgow Affirmative Action Committee

Employer-Based Committees

Maritime Tel & Tel Affirmative Action Committee
City of Dartmouth Affirmative Action Committee
Scott Maritimes Limited Affirmative Action Committee

Education-Based Committees

St. Francis Xavier Affirmative Advisory Council
Holy Angels High School
Riverview Rural High School

Summary of Statistics:

Affirmative Action Agreements	31 (1972-1990)
Affirmative Action Committees	
Community Based	7
Education Based	3
Employer Based	3

RESEARCH DIVISION

The Research Division of the Nova Scotia Human Rights Commission has increased its assistance to persons from all levels of the educational system, the private sector, and the general public. This has mainly included high school and university students researching specific issues connected with the Human Rights Act such as sexual harassment in the work place, racial discrimination in education, and racial discrimination in employment.

High school students have received assistance to help them research areas covered under the Human Rights Act so that they could make presentations to their schools at human rights conferences, while university students have used the assistance to prepare major term projects as well as class presentations on human rights issues to their peers.

In addition to the above, the Research Officer has carried out numerous speaking engagements during the year both at the student human rights conferences and to numerous grade levels at the junior high and high school levels.

This division was involved in the planning and implementation of a major conference hosted by the Commission in December 1989 at which teachers, employers, lawyers, public servants, and the interested public were able to present their views and concerns in the human rights field. This, in turn, was designed to improve the Commission's ability to address the issues presented before it.

This year, the Research Officer has been active with others in researching antiracism policies and programs in the field of education. Concrete recommendations regarding the matter can then be presented to the Halifax County-Bedford District School Board to help the board improve its performance in providing equal opportunities to all of its learners. In addition, the Research Officer has carried out a study of monetary awards for human rights complaints that have been settled as a result of a board of inquiry and has also instituted research to update and improve the Human Rights Commission publication entitled *Pictorial on Black History: Nova Scotia*.

Although liaison has continued with groups and organizations committed to improving their track record in human rights, this form of activity by the Research Officer has decreased to a considerable degree to ensure a more complete transition to a stronger research base for the Commission.

FIELD SERVICES

The Nova Scotia Human Rights Commission has three regional offices. The office in Digby serves the counties of Lunenburg, Queens, Shelburne, Yarmouth, Digby, Annapolis, and Kings. The New Glasgow office serves the counties of Colchester, Cumberland, Pictou, Guysborough, and Antigonish, although formal complaints are investigated by staff of the Central Office. The Sydney office serves all of Cape Breton.

SPECIAL EVENTS

Sydney Office

The Sydney Human Rights Affirmative Action Committee presented the first annual Tom Miller Memorial Award. Mr. Miller was the first black alderman in Eastern Canada. Nominations were called from the citizens of Sydney, and Cheryl Aucoin, well known for her volunteer work and advocacy on behalf of women, was the first recipient of this annual award.

Digby Office

The regional supervisor for this area convened a series of meetings with black students and black parents, and administrators of different schools throughout this region to discuss racial incidents. These meetings raised the level of awareness and sensitivity of all those involved and future meetings on this area are planned.

New Glasgow Office

The Commission's representative in this area assisted numerous groups in their celebration of International Day for the Elimination of Racial Discrimination, March 21. Events were held in several shopping malls and schools to bring attention to this special day. In addition, a front window display was erected in commemoration of this event at our New Glasgow Regional office.